

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Andrew Simon BARRERA

Case No. **2:19-MJ-514***Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 9, 2019 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 U.S.C. § 841 (a) (1)

Offense Description

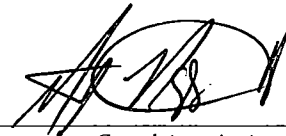
Knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance in Schedule II of the Controlled Substance Act of 1970, to wit; 20.52 kilograms of methamphetamine, approximate gross weight.

This criminal complaint is based on these facts:

See "Attachment A"

☒ Continued on the attached sheet.

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P. 4.1, and probable cause found:

Date: February 10, 2019City and state: Corpus Christi, Texas

Complainant's signature

Gilberto Nieves

Printed name and title

Judge's signature

Jason B. Libby, US Magistrate Judge

Printed name and title

Andrew BARRERA

Attachment "A"

On February 9, 2019, Border Patrol Agent (BPA) Nicholas Cantu was performing his assigned duties at the United States Border Patrol Checkpoint, located approximately thirteen miles south of Falfurrias, Texas.

At approximately 09:35 a.m., a tan in color Chevrolet Suburban approached the primary inspection lane for an immigration inspection. As the driver, later identified as Andrew Simon BARRERA, pulled his vehicle into BPA Cantu's positions, BPA Cantu noticed that BARRERA had already rolled down the rear window directly behind him. BPA Cantu did not see anyone in the second seat row of the vehicle, but could not see well into the third row of the vehicle. At that time, BPA Cantu looked into the third row window of the vehicle and observed what appeared to be two black speakers shoved between the second and third passenger row, laying on the floor. It did not appear to BPA Cantu that the speakers were plugged into the vehicle, which raised his suspicion.

BPA Cantu asked BARRERA who the speakers belonged to. BARRERA stated the speakers belonged to his son. BPA Cantu asked why he had the speakers in the back of his vehicle if they belonged to his son. BARRERA stated that when his son tried connecting the speakers to his vehicle they would not work. Based upon information that BPA Cantu obtained from the Border Patrol Station start of shifts musters, he was aware that there has been a rise in occurrences where people will conceal different types of narcotics into speaker boxes, in attempts to elude detection.

BPA Cantu asked BARRERA how long the speakers have been inside of his vehicle and BARRERA replied for about a week. BPA Cantu asked BARRERA for consent to search the speakers. BARRERA proceeded to ask BPA Cantu, why he wants to search his speakers. BPA Cantu advised BARRERA of the concealment methods currently being used to conceal narcotics and that BPA Cantu wanted to verify that BARRERA did not have any narcotics inside of his speaker. BARRERA became agitated and raised his tone of voice and stated that he did not have anything in the speakers, and that he was going to be late for work. It appeared to BPA Cantu as if BARRERA was trying to avoid questioning and was rushing BPA Cantu's inspection. BPA Cantu looked at BARRERA and noticed he was wearing baggy sweat pants and a jacket, which raised BPA Cantu's suspicion even more since BARRERA did not appear as if he was going to work.

Since the speakers were shoved in between the second and third row of seats and did not appear to be connected to the vehicle, and BPA Cantu's knowledge of the narcotic concealment methods, and because of BARRERAS' elusive and aggressive behavior, BPA Cantu asked BARRERA if he would park his vehicle in the secondary inspection area for a more in depth inspection. BARRERA once again questioned why BPA Cantu sent him to secondary inspection. BARRERA stated he just wants to go to work. BARRERA kept looking forward after each response as if he was waiting for BPA Cantu to say go ahead. BPA Cantu noticed vehicle traffic was backing up in the primary inspection lane. BPA Cantu told BARRERA that an agent would inspect the speakers really quick and that the process would not take long. BPA Cantu advised BARRERA that he would be released if he was not involved in any wrongdoing. At that time, BARRERA did not object and proceeded to park his vehicle in the secondary area.

Once in secondary, BPA Luis Ramos and BPA Daniel Tista advised BPA Cantu that they observed the speakers inside the vehicle. BPA Tista asked BARRERA for consent to search the speakers. BPA Tista advised BPA Cantu that BARRERA said go ahead and he proceeded to check the speakers. BPA Ramos and BPA Tista advised that they noticed that the speakers were not plugged in and were heavy, just as BPA Cantu noticed. BPA Tista asked BARRERA if he would take responsibility for any narcotics found inside of the speakers. BARRERA stated they are his son's speaker boxes, but would take full responsibility if anything were inside of the speakers. BPA Tista began to inspect the inside of the speaker box and noticed a false compartment behind the speaker. BPA Tista confirmed that an unknown substance was concealed inside of the speaker. BPA Tista utilized a test kit identified as the Mobile Detect Pouch for Methamphetamine. The test presented the color purple, which is positive for Methamphetamine. At that time, BARRERA was placed under arrest and was escorted into the checkpoint. Each speaker box had four bundles of methamphetamine. The total gross weight of the eight bundles of methamphetamine was 20.52 kilograms.

On the same day, Special Agent (SA) Stacey Slater and Task Force Agent (TFA) Gilberto Nieves arrived at the Falfurrias, Texas Border Patrol Checkpoint and spoke to BARRERA.

SA Slater and TFA Nieves issued BARRERA his Miranda Rights. BARRERA verbally acknowledged that he understood his rights. SA Slater asked BARRERA about his son and BARRERA stated he hadn't seen his son since he was 4.5 years old. This statement contradicted what BARRERA had told BPA Cantu. BARRERA told BPA Cantu earlier that the speaker boxes belonged to his son and when his son tried connecting the speakers to his vehicle they would not work. BARRERA told SA Slater and TFA Nieves that he did not know how the speaker boxes got in the vehicle. However BARRERA told BPA Tista that the speakers belonged to his son and his son placed them in the vehicle.

Assistant United States Attorney Brittany Jensen accepted the federal prosecution of BARRERA.

The amount of methamphetamine, 20.52 kilograms, approximate gross weight, infers the intent to distribute.



Gilberto Nieves, Task Force Agent
Drug Enforcement Administration

Submitted by reliable electronic means, sworn to,

signature attested telephonically per Fed.R.Crim.P. 4.1, and probable cause found:



Jason B. Libby
United States Magistrate Judge